

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:12-CR-257-19

v.

HON. ROBERT HOLMES BELL

JONATHAN P. WHITE,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Jonathan P. White has filed a motion for modification or reduction of sentence (ECF No. 735) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

The Probation Department filed a sentence modification report on September 2, 2015 (ECF No. 839). In its report, the probation department recommends the defendant is eligible for reduction in sentence based on defendant currently being an inmate, USSG § 2D1.1 was used in the guideline calculations, and the guideline range applicable to the defendant subsequently has been lowered as

a result of the retroactive amendment to the Sentencing Guidelines (782). The Probation Department recommends a reduction in sentence to 43 months imprisonment. A reduction of sentence is consistent with the policy statements of the U.S. Sentencing Commission.

The Defendant filed a response to the sentence modification report arguing the report does not reflect the one-point reduction in the offense level on substantial assistance to the government (ECF No. 844). The government filed a response (ECF No. 845) agreeing with the Probation Department's recommendation that 43 months is proportionate relative to the guideline range at the time of sentencing.

The Court finds that an amended sentence of 43 months would fall within both the pre-departure and post-departure sentencing guideline range as the Court did at the original sentencing.

NOW THEREFORE, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (ECF No. 735) pursuant to 18 U.S.C. § 3582(c)(2) is **GRANTED**. Defendant Jonathan P. White's sentence shall be reduced to **43 months** imprisonment, effective November 1, 2015. An order effectuating the sentence reduction shall issue forthwith.

Dated: October 6, 2015

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE